

**Message: Department Query 6/14/17****Case Information:**

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Message Direction: External, Inbound  
Case: GOV\_10032017\_Search  
Capture Date: 10/3/2017 9:43:21 AM  
Item ID: 29388134  
Policy Action: Not Specified

**✉ Department Query 6/14/17****From** Cannon, Kristina**Date** Wednesday, June 14, 2017 8:41 AM**To** Bogle, Daniel;Backes, Dusty;Germinder, Rich**Cc** Neustadt, Jennae;Scott, Todd;Green, Brad;Earl, Jeff;Kempf, Sherri;Strong-Goeke, Lori;Hyde, Sandra[!\[\]\(cf531ed27e91483460120fcc057b3901\_img.jpg\) qry\\_DepartmentQuery6.14.xlsx \(21 Kb HTML\)](#)

Here is the updated list of bills for 2<sup>nd</sup> Extraordinary Session – one addition since yesterday SB7 (contaminated homes – DNR).

Thanks,

*Kristina M. Cannon*  
*Legislative Coordinator*  
*OA-Budget and Planning*  
*Phone: (573)751-9303*

# qry\_DepartmentQuery

A	B	C	D	E	F	G	
	Bill	Sponsor	Subject	Description	Lead Dept	Co-Dept	Date Bill Added
1	HB1	Lichtenegger	Abortion - Pain Capable Unborn Child Protection Act	Establishes the "Pain Capable Unborn Child Protection Act"	DHSS		2017-06-13
2	HB2	Miller	Abortion - consent for minor to obtain abortion	Changes the laws regarding consent for a minor to obtain an abortion	DHSS		2017-06-13
3	HB3	Swan	Abortion	Changes laws regarding abortion	DHSS		2017-06-13
4	HB4	Lavender	Abortion - pregnancy related services	Requires organizations that provide pregnancy-related services to provide medically accurate information regarding reproductive health options in order to receive state funding	DHSS		2017-06-13
5	HB5	Lavender	Abortion - Infant Mortality Prevention Fund	Creates the Infant Mortality Prevention Fund	DHSS		2017-06-13
6	HB6	Barnes	Abortion	Changes the laws regarding abortion	DHSS		2017-06-13
7	HB7	Franklin	Abortion	Changes the laws regarding abortion	DHSS		2017-06-13
8	HB8	Quade	Abortion - Dispensing of contraceptives	Changes the laws regarding the dispensing of contraceptives	DHSS		2017-06-13
9	HB9	Kelly	Abortion - political subdivision laws/policies	Preempts a political subdivision from enacting a law or policy that adversely affects the legal rights of a person or entity due to a person's or entity's view on abortion	DHSS		2017-06-13
10	HB10	Newman	Abortion - health care services	Changes the laws regarding health care services	DHSS		2017-06-13
11	HB11	Newman	Abortion	Changes the laws regarding abortion	DHSS		2017-06-13
12	HB12	Newman	Abortion - Human sexuality instruction	Changes the laws on instruction relating to human sexuality	DHSS		2017-06-13
13	HB13	Walker	Abortion - Tax credit for contraception costs	Authorizes a tax credit for certain contraception costs	DHSS		2017-06-13
14	HB14	Moon	Abortion - MO Right to Life Act	Establishes the "Missouri Right to Life Act"	DHSS		2017-06-13
15	SB1	Onder	Abortion	Modifies several provisions relating to abortion	DHSS		2017-06-13
16	SB5	Koenig	Abortion - AG enforce laws	Grants the Attorney General concurrent original jurisdiction to enforce the state's abortion laws	DHSS		2017-06-13
17	SB6	Dixon	Abortion - Political subdivision authority	Grants the Attorney General concurrent original jurisdiction to enforce the state's abortion laws	DHSS		2017-06-13
18	SB7	Chappelle-Nadal	Contaminated homes	Modifies provisions relating to contaminated homes	DNR		2017-06-13
19	SB2	Schaaf	Ethics - Lobbying	Modifies provisions relating to lobbyists	OA		2017-06-13
20	SB3	Schaaf	Ethics - Lobbyists	Modifies provisions relating to the waiting period before certain public officials can become lobbyists	OA		2017-06-13
21	SB4	Schaaf	Ethics - Dark Money Disclosure	Establishes the Dark Money Disclosure Act	OA		2017-06-13
22	SJR1	Holsman	Elected Officials - Time period for session	Modifies the time period for legislative sessions	OA		2017-06-13
23	SR4	Holsman	Elected Officials - Investigate Gov. Greitens	Establishes an investigative committee to investigate Governor Greitens	OA		2017-06-13
24							

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**✉ H Children and Families - Abortion**

**From** Bramlett, Chris      **Date** Wednesday, June 14, 2017 8:49 PM  
**To** OA.Hearing & Floor Action  
**Cc**

**House Committee on Children and Families**  
**6/14/2017**

The House Committee on Children and Families convened today to hear public testimony on **HB 3**, **HB 6**, **HB 7**, and **HB 9**, and to hold executive session on **HB 7** and **HB 9**.

**ATTENDANCE:** Reps. Franklin, Neely, Meredith, Barnes, Cookson, Kelly, Moon, Newman, Ruth, Stacy, and Walker were present.

Rep. Franklin stated that a public hearing for **HB 3** and **HB 6** would be held simultaneously.

**HB 3 (Swan) – Changes the laws regarding abortion.**

**HB 6 (Barnes) – Changes the laws regarding abortion.**

Rep. Swan stated that this is the fifth time she has filed a version of this bill, which is related to the inspection of abortion clinics. Rep. Swan stated that the bill would achieve several aims, including clarifying the difference between an ambulatory surgical center and an abortion facility, requiring annual on-site inspections, adding language related to interference with medical assistance, adding a definition of abortion facilities in statute, etc. Rep. Swan noted the bill has an emergency clause. Rep. Swan stated that the fiscal note has a one-time impact of approximately \$70,000 related to needed modifications to the healthcare infection reporting system.

Rep. Barnes discussed the *Planned Parenthood v. Williams* case in the Western District of Missouri (Kansas City, MO). Rep. Barnes stated that a federal judge issued an injunction to block certain abortion regulations in Missouri and that similar laws in Texas were struck down by the *Hellerstedt* decision. Rep. Barnes stated that his bill would provide distinction between surgical and medical abortions and require the facility to have a plan for potential complications. Rep. Barnes stated that *Hellerstedt* struck down the requirement for physicians of abortion facilities to have admitting privileges at a nearby hospital, but that requirements related to abortion facilities maintaining written protocol for the transfer of patients for emergency care were allowable.

Rep. Swan discussed ambulance calls to the St. Louis Planned Parenthood facility. Rep. Franklin stated there has been reports that the St. Louis Planned Parenthood facility has instructed emergency medical services to not use their sirens or lights when responding to calls to their facility. Rep. Barnes stated that Section 574.200 of his bill is intended to address the interference with medical assistance. Rep. Barnes stated that the facility would be prohibited from requesting that medical personnel deviate from any applicable standard of care or ordinary practice.

Rep. Barnes discussed provisions in his bill related to granting the Attorney General (AG) original concurrent jurisdiction for state abortion laws and stated that under current law, the AG would have to be requested by a prosecutor to be involved in such cases.

Rep. Moon discussed whether these bills could truly be considered pro-life bills if they did not completely ban abortion in statute. Rep. Barnes stated that the legislature has to take the world as it is and that any outright ban would likely be struck down by the courts immediately. Rep. Moon stated that courts are fallible and there have been instances when longstanding laws have been overturned, noting that even *Roe v. Wade* could eventually be overturned eventually. Rep. Moon stated that by merely regulating the practice of abortion, the end effect is that the unborn are still being killed.

Rep. Newman stated the special session is a waste of taxpayer resources costing \$20,000 per day. Rep. Newman discussed "TRAP" laws – targeted regulation of abortion facilities. Rep. Newman stated that the bills before the body would only result in further litigation and thus, further costs to the state. Rep. Barnes and Rep. Swan stated that the cost of the special session is worth it to address these issues. Rep. Barnes added that Planned Parenthood is one of the most litigious groups in the nation. Rep. Barnes stated that the injunction from the Western District struck down several state regulations related to abortion facilities and questioned whether Rep. Newman wants any health and safety regulations for abortion facilities at all. Rep. Barnes reaffirmed that he believes these proposed laws would stand based on the *Hellerstedt* ruling.

Rep. Ruth requested more information on the *Hellerstedt* decision. Rep. Barnes explained that the decision struck down regulations of abortion facilities in Texas related to ambulatory surgical center requirements and physician admitting privileges. Rep. Barnes clarified that the decision did not say that states could not regulate abortion facilities. Rep. Barnes stated that the injunction from the Western District in Kansas City, MO created a "regulatory desert" for abortion facilities in Missouri and the special session was needed to address the issue.

Rep. Meredith stated that the departments are subject matter experts and should be granted discretion in determining what regulations should be

put in place. Rep. Barnes the legislature should at least lay out some standards and let the departments sort out the details of implementation. Rep. Franklin stated that incidents such as the department not reconciling pathology reports as required by regulation has necessitated the legislature to act.

Rep. Walker questioned the thought process of still requiring similar ambulatory surgical center regulations for abortion facilities in spite of the *Hellerstedt* decision. Rep. Barnes stated there were 23 cases in which an ambulance was called to the St. Louis Planned Parenthood facility due to a patient hemorrhaging. Rep. Barnes stated that such instances make the application of ambulatory surgical center regulations appropriate for abortion facilities, such as specifying the width of hallways to ensure adequate room for stretchers. Rep. Walker asked why the AG would need original concurrent jurisdiction over state abortion laws. Rep. Barnes stated that such jurisdiction is granted in other areas of law and that it is necessary in instances where the local prosecutor is highly unlikely to bring a case forward.

Rep. Walker expressed concerns that the language grants original concurrent jurisdiction for a person who performs or induces an abortion, questioning whether this would allow the AG to bring a case against someone that takes RU-486 and induces an abortion. Rep. Barnes stated that the person would have to be in violation of a specific statute and noted that the law should not be limited to applying only to healthcare providers because there could be instances when a non-medical professional would need to be charged for running an underground abortion operation. Rep. Kelly noted that individuals who own abortion facilities might also not be medical professionals.

**Proponents:**

**Tyler McClay – Missouri Catholic Conference**

- McClay stated this bill is a response to Judge Sach's injunction of Missouri regulations.

**Susan Klein – Missouri Right to Life**

- Klein stated that the Sanctity of Life investigations have shown a great need to clarify regulations of abortion facilities.

**Samuel Lee – Campaign Life Missouri**

- Lee stated that original concurrent jurisdiction is granted for other areas of Missouri law – including gambling, gaming, water pollution, hazardous waste, and right to work. Lee stated that the Sanctity of Life Committee found that the St. Louis Planned Parenthood was requiring emergency medical services to turn off their lights and sirens when responding to calls at their facility.

**Kerry Messer – Missouri Family Network**

**Opponents:**

**Burt Newman – Lawyer, St. Louis**

- Newman stated that he was one of two attorneys involved in 1974 litigation involving Missouri regulation of abortion facilities – *Planned Parenthood v. Danforth*, which was decided in the U.S. Supreme Court. Newman stated that access to abortion is considered settled law and that lawmakers should stop trying to interfere. Newman stated that any TRAP laws constitute an undue burden on a woman's access to abortion and will be found unconstitutional. Rep. Barnes questioned whether Newman thought any regulation of abortion facilities were appropriate – asking specifically about requiring facilities to maintain infection controls or requiring the patient to be responsive and have stable vitals prior to leaving the facility.
- Rep. Ruth stated there are many instances of those challenging "settled law", noting *Brown v. Board of Education*.
- Rep. Neely stated that the legislature should do what they can to maintain quality of care. Newman stated that was accurate unless the regulations constitute an undue burden on women.

**Anna Shabsin – Wash U professor, Attorney from St. Louis**

- Shabsin stated that recent court decisions make it clear that heightened scrutiny of actual evidence shall be utilized to determine whether abortion laws actually aid women's health or if they merely constitute a political attack.
- Rep. Barnes stated that 23 ambulance visits due to hemorrhaging is evidence of the need for regulation. Shabsin stated these regulations are intended to be political, not help women.
- Rep. Newman stated there are numerous reasons why ambulances could be called to the St. Louis Planned Parenthood facility, unrelated to abortion. Rep. Newman noted the 23 ambulance visits are alone irrelevant without the context of the frequency of ambulance calls to other ambulatory surgical centers.
- Rep. Barnes distributed information to the committee on the number of EMS visits to Planned Parenthood that was used in the Western District case.

**Dr. Martha Perez – 4<sup>th</sup> year residency OBGYN**

- Dr. Perez stated she is here representing herself and the patients that she serves.
- Rep. Franklin asked what message Dr. Perez was trying to send by wearing her white coat to the hearing. Dr. Perez stated she is not here representing the medical community and has worked hard to earn her white coat.
- Dr. Perez stated she felt HB 3 and HB 6 created medically unnecessary requirements and undue burdens on abortion procedures.
- Rep. Ruth asked for the rate of complications in abortions. Dr. Perez stated all procedures have risks and abortion has a .05% complication rate. Rep. Ruth and Dr. Perez discussed if the special session was a waste of taxpayer as no price tag can be placed on the life of a woman or baby.
- Rep. Barnes stated there are several statistics that could be used to show either sides' point; Dr. Perez stated it also depends how the term complication is being defined.
- Rep. Newman inquired into the nature of why an ambulance may be called to Planned Parenthood. Dr. Perez stated there could be several reasons and each call does not represent a complication with an abortion procedure.

**Rabbi Jonah Zinn – Rabbi from St. Louis**

- Rabbi Zinn stated it is Jewish tradition for women to protect their own health, as the life of a woman is greater than that of potential life. If a woman's health is placed at risk, an abortion may be the appropriate choice. Rabbi Zinn stated Jewish teachings say a fetus is potential life

and there is a point during birth that the fetus transitions into life.

- Rabbi Zinn stated he believes this bill limits women's access to abortion as there is only one abortion clinic in the state.
- Rep. Cookson asked if Rabbi Zinn's viewpoint was rooted in religious literature. Rabbi Zinn stated his beliefs are rooted in the book of Mishnah.
- Rep. Moon thanked Rabbi Zinn for saying his religious viewpoints were the foundation of his beliefs, as Rep. Moon's religious beliefs are the reason he is pro-life. Rabbi Zinn stated everyone should have religious freedom; however, people of other faiths should not impose their views onto others.

#### Linda Raclin – Wash U professor, lawyer

- Raclin stated that Missouri is not a "regulatory desert" when it comes to abortion as Rep. Barnes stated, noting it is one of three states in the country with the most stringent abortion laws. Raclin stated this includes Utah and South Dakota. Regarding referenced infractions on the part of abortion providers, Raclin stated that existing state regulations require that issues be identified and addressed. Raclin stated there are regulations already in place and they are working properly.
- Rep. Franklin stated that there is a lack of follow-through on the part of the department in terms of enforcing regulations. Raclin stated Planned Parenthood is required as a medical provider to correct any issues found, noting that Attorney General Koster did not find any evidence of wrongdoing on the part of Planned Parenthood in his investigation. Rep. Franklin stated that the investigation was based only on 30 days.

#### Informational Purposes Only: None.

Rep. Swan, in closing, stated that she wants Missourians to have access to high quality health care. Rep. Swan stated that she does not see how such regulations would interfere with that access.

#### HB 9 (Kelly) – Preempts a political subdivision from enacting a law or policy that adversely affects the legal rights of a person or entity due to a person's or entity's view on abortion; acknowledges those legal rights; and establishes judicial mechanisms to protect those rights.

Rep. Kelly stated the bill would prevent an individual from being discriminated against because they do not wish to participate in abortion.

#### Proponents:

##### Tyler McClay – Missouri Catholic Conference

- McClay stated the bill relates to Board Bill 203 passed back in February 2017; there has been a lawsuit challenging the ordinance in federal court. The St. Louis Archdiocese is concerned that a catholic school principle would be prevented from asking a potential employee about their opinion on abortion. They feel this would violate their freedom of association.
- Rep. Walker questioned the ordinance's impact on freedom of speech and freedom of association. Rep. Walker stated the rights granted by the U.S. Constitution would supersede any ordinance. McClay noted that there are limits on freedom of expression. Rep. Walker stated rights are granted by the Religious Freedom Restoration Act (RFRA) as well.

##### Patty Skain – Missouri Right to Life

#### Opponents:

##### Melissa Alper – National Council of Jewish Women (St. Louis)

- Alper stated that a person's beliefs on reproductive rights should not affect decisions on hiring, firing, or the renting of property.
- Rep. Ruth stated that her religious beliefs should also be protected and she should not be required to rent to someone that provides abortions. Rep. Ruth stated the Fair Housing Act already provides appropriate protections for individuals regarding real estate. Alper stated the bill actually allows for discrimination. Rep. Kelly stated the Human Rights Act also protects against discrimination.
- Rep. Franklin asked Alper why St. Louis would need the ordinance given the existence of Fair Housing Law and the Missouri Human Rights Act. Alper stated that reproductive choices are not explicitly spelled out in other laws. Rep. Franklin questioned how an individual would even know about an individual's reproductive beliefs or choices. Rep. Franklin asked if this ordinance was brought forward due to specific incident. Alper stated she was unaware of any specific incident.
- Rep. Kelly discussed a situation in which an owner of commercial property could be forced to rent to an abortion provider. Rep. Walker stated they would already have the ability to not rent to the abortion provider. Rep. Walker stated that HB 9 does not expressly address the issue of owners of rental property and noted that it only references alternatives-to-abortion agencies. Rep. Kelly stated that Section 5, page 2 of the bill specifically preempts the St. Louis City ordinance and would address the issue of real estate property. Rep. Walker continued to question whether HB 9 actually addresses any of the concerns with the ordinance expressed thus far during the hearing. Rep. Walker stated that the Fair Housing Act and the Missouri Human Rights Act does not grant protections for reproductive health decisions. Rep. Walker stated that federal standards serve as the base level requirements and that political subdivisions can grant further protections above the federal minimum. Rep. Kelly deferred to Rep. Barnes to address Rep. Walker.
- Rep. Barnes stated that political subdivisions are able to grant additional protections with exceptions. Rep. Barnes stated one's views on abortion are not a protected class except for in St. Louis and Boston. Rep. Barnes referenced *Burwell v. Hobby Lobby*, explaining the issue was to determine whether federal RFRA would apply in this case. Rep. Barnes stated the bill applies the finding of *Burwell v. Hobby Lobby* to state law to protect sincerely held religious beliefs.

##### Christine Ingrassia – Alderwoman, St. Louis City

- Ingrassia stated Board Bill 203 was intended to address certain complaints and constituent needs, including employment discrimination related to miscarriages. Ingrassia stated that Board Bill 203 included exemptions for religious institutions.
- Rep. Newman discussed with Ingrassia how St. Louis City worked with the St. Louis Archdiocese to include specific carve outs for religious institutions and stated the ordinance merely provides discrimination protections for reproductive health choices. Ingrassia stated that state preemption makes it difficult for her to be responsive to her constituents' needs.
- Rep. Ruth asked for specific incidents related to why the ordinance was needed. Ingrassia stated that complaints were solicited during the development of this bill and they are currently being investigated. Ingrassia said specifics could not necessarily be shared because of privacy concerns.
- Rep. Barnes stated that Ingrassia filed a bill that would create a buffer zone around the Planned Parenthood facility. Rep. Barnes stated that he hoped the body would entertain an amendment to address the proposed buffer zone ordinance.

**Sally Hunt – St. Louis citizen, Expose Thrive**

- Hunt spoke on crisis pregnancy centers, stating that the state already provides far too much assistance (\$5.8 million in TANF dollars) and protections to these centers. Hunt stated that TANF dollars should be going to needy children. Hunt stated that these are “fake clinics” that provide medically inaccurate information, likening them to Trump University. Rep. Franklin asked the witness to provide specific allegations of inappropriate behavior on the part of crisis pregnancy centers. Hunt stated that these centers provide false information – abortion has high complication rates, and causes cancer or infertility.
- Rep. Ruth asked what group Hunt represented. Hunt stated she represents Expose Thrive, a group that seeks to shut down Thrive, a crisis pregnancy center. Hunt stated she supports fact-based sex education. Rep. Ruth asked Hunt if she has spent any time in a pregnancy resource center. Hunt stated that she had not, but she had done sufficient research to speak on the subject. Rep. Ruth stated to understand an issue objectively you have to spend time with those on both sides of the issue. Rep. Ruth stated that she has witnessed pregnancy resource centers helping many individuals.
- Rep. Walker asked if Hunt has heard of Nurses for Newborns, Bethany Christian Services, or the Adoption and Foster Care Coalition. Rep. Walker stated that these are a couple examples of pregnancy resource centers with which she has been involved. Rep. Walker stated that these groups do evidence-based work in helping mothers. Rep. Walker stated it is dangerous to paint all pregnancy resource centers with a broad brush. Hunt specified that she speaking about those centers that hold themselves out as a medical clinic and provide medically inaccurate information such as Thrive, Birthright, etc.
- Rep. Barnes spoke on whether abortions result in clinically significant psychological issues, citing a study. Hunt states that there is a difference between short-term and long-term disorders. Hunt stated that the American Psychological Association (APA) shows that there is no evidence of such disorders; there is no credible evidence that the abortion of an unwanted pregnancy causes any mental health disorders. Rep. Barnes stated the APA study explicitly states that some women experience sadness or feelings of loss and even longer-term disorders such as depression and anxiety.
- Rep. Moon asked that the APA study be provided to the committee.

**Alexandra Rubin – Wash U Students for Choice**

- Rep. Franklin asked why Rubin was wearing a lab coat with a Wash U insignia on it if she is not speaking on behalf of Wash U officially. Rubin stated that she feels that it a symbol of her hard work she is doing to become a physician. Rubin stated that patients deserve medically accurate information when making health care choices.

**Ian Mackey - Missouri citizen**

- Mackey stated that the state legislature needs to stop preempting local St. Louis law. Mackey stated that preemption only truly applies when the state passes a law before a local political subdivision; this bill represents the nullification of an ordinance.
- Rep. Franklin asked about how Mackey felt about the Uber bill. Mackey stated the Uber bill expanded the rights of local citizens instead of restricting rights and noted the bill did not target St. Louis City only.

**Thomas True – St. Louis citizen, Expose Thrive**

- True spoke on his experiences with crisis pregnancy resource centers. True stated that some of the centers do actually try to help women in crisis, but qualified that Thrive is not one of those centers.

**Kirstin Palovick - NARAL Pro-Choice Missouri**

- Palovick stated the full intention of Board Bill 203 is to make sure women are protected in their health care choices. Palovick stated that the federal Russell Act was a potential amendment to the American Health Care Act which would have allowed for discrimination against an individual for such choices; this language did not pass. Palovick referred to a complaint related to a woman fired for taking off work for a miscarriage as a good reason for the local ordinance.
- Rep. Barnes stated that the example provided is covered under the Missouri Human Rights Act and encouraged her organization to refer the women to a law firm.

**Anita Cleaver – St. Louis citizen**

- Cleaver stated she wrote a paper on the psychological impact on women after an abortion while seeking a Master’s degree in Counseling. Cleaver stated she found that women are much more likely to experience relief. Cleaver stated that abortion is a big decision and that responses to making that choice vary from person to person. Cleaver stated that if most women regretted having an abortion, there would be more outcry about it across the nation.

**Information Purposes Only:** None.

**HB 7 (Franklin) – Changes the laws regarding abortion.**

Rep. Franklin stated the bill addressed pathology reports submitted to DHSS and the tracking of fetal tissue. Rep. Franklin stated the bill would increase record keeping and accountability. Rep. Franklin stated that prior investigations showed that pathology reports were not being reconciled properly by the department and noted that there is no accountability for the fetal remains after an abortion, which may enable the illegal sale of such remains.

Rep. Cookson asked if there is a defined penalty for failure to comply. Rep. Franklin stated lack of compliance would first trigger an inspection. Rep. Cookson asked if they could be sent to jail or charged with a felony. Rep. Franklin stated the facility’s license would be revoked for lack of compliance. Rep. Franklin stated such penalties have already been dictated elsewhere in law specifically for the trafficking of fetal remains.

Rep. Walker expressed concerns about the release of the report to the General Assembly, but noted that personally identifiable information would be redacted. Rep. Walker asked what accountability would be provided if identifiable information was included. Rep. Franklin stated that HIPAA law would apply in this instance. Rep. Franklin stated that past attempts to get information from abortion providers have failed and requiring these reports is intended to address this issue. Rep. Walker stated there have been instances of data breaches, noting that many members of the body objected to prescription drug monitoring because of privacy concerns. Rep. Walker stated that potential data breaches related to abortion records are more troubling than breaches related to prescription information.

**Proponents:**

**Tyler McClay – Missouri Catholic Conference**

- McClay noted the investigation into pathology reporting goes back to 2015. McClay stated that further accountability is needed to fully track fetal remains.
- Rep. Cookson stated that in debating whether individuals should be pro-choice or pro-life, the fetal has no choice in the matter.

**Opponents:****Melissa Alper - Executive Director at the National Council of Jewish Women**

- Alper stated she was opposed to the expansion on data collection. She believed this bill presented an unnecessary burden on abortion facilities and families who would choose this option. She also offered written testimony from 12 others who could not stay the full time to oppose the bill. If the issue of the committee is to improve the health and safety of women, she does not believe this will accomplish this goal. Rep. Newman questioned what other reasons there would be to implement these changes other than to trap individuals who seek abortions. Alper could not think of one reason. Rep. Newman stated this bill was invasive to patients and their families. She then discussed the reasons women seek abortion with the witness.
- Rep. Kelly asked Alper if she supports the sale of baby body parts. Alper stated that she did not and noted it is already illegal to sell body parts.

**Kirstin Palovick – NARAL Pro-Choice Missouri**

- Palovick stated the bill is merely another stipulation for already over-regulated abortion providers.
- Rep. Walker discussed the difference between "confidentiality" and "anonymity", noting that the bill requires confidentiality regarding the report to the General Assembly when anonymity would be a higher standard to protect a patient's identifying information.

**EXECUTIVE SESSION:****HB 7 (Franklin) – Changes the laws regarding abortion.**

- No discussion.
- Voted Do Pass, 8-3 (Meredith, Newman, and Walker voting no).

**HB 9 (Kelly) – Preempts a political subdivision from enacting a law or policy that adversely affects the legal rights of a person or entity due to a person's or entity's view on abortion; acknowledges those legal rights; and establishes judicial mechanisms to protect those rights.**

- No discussion.
- Voted Do Pass, 8-3 (Meredith, Newman, and Walker voting no).

Rep. Barnes stated that the committee would wait until Monday to hold executive session on **HB 3** and **HB 6**. Rep. Barnes explained that there is a general preference for the Senate version of the language, but an amendment had not been drafted yet as he was still waiting to see if the Senate makes any changes.

With no further business, the committee adjourned.

**Chris Bramlett**

Budget Analyst  
Missouri State Capitol, Room 129  
Phone: (573) 751-9316  
Fax: (573) 526-4811  
[chris.bramlett@oa.mo.gov](mailto:chris.bramlett@oa.mo.gov)

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Rep. Ruth requested more information on the *Hellerstedt* decision. Rep. Barnes explained that the decision struck down regulations of abortion facilities in Texas related to ambulatory surgical center requirements and physician admitting privileges. Rep. Barnes clarified that the decision did not say that states could not regulate abortion facilities. Rep. Barnes stated that the injunction from the Western District in Kansas City, MO created a "regulatory desert" for abortion facilities in Missouri and the special session was needed to address the issue.

Rep. Meredith stated that the departments are subject matter experts and should be granted discretion in determining what regulations should be

put in place. Rep. Barnes the legislature should at least lay out some standards and let the departments sort out the details of implementation. Rep. Franklin stated that incidents such as the department not reconciling pathology reports as required by regulation has necessitated the legislature to act.

Rep. Walker questioned the thought process of still requiring similar ambulatory surgical center regulations for abortion facilities in spite of the *Hellerstedt* decision. Rep. Barnes stated there were 23 cases in which an ambulance was called to the St. Louis Planned Parenthood facility due to a patient hemorrhaging. Rep. Barnes stated that such instances make the application of ambulatory surgical center regulations appropriate for abortion facilities, such as specifying the width of hallways to ensure adequate room for stretchers. Rep. Walker asked why the AG would need original concurrent jurisdiction over state abortion laws. Rep. Barnes stated that such jurisdiction is granted in other areas of law and that it is necessary in instances where the local prosecutor is highly unlikely to bring a case forward.

Rep. Walker expressed concerns that the language grants original concurrent jurisdiction for a person who performs or induces an abortion, questioning whether this would allow the AG to bring a case against someone that takes RU-486 and induces an abortion. Rep. Barnes stated that the person would have to be in violation of a specific statute and noted that the law should not be limited to applying only to healthcare providers because there could be instances when a non-medical professional would need to be charged for running an underground abortion operation. Rep. Kelly noted that individuals who own abortion facilities might also not be medical professionals.

**Proponents:**

**Tyler McClay – Missouri Catholic Conference**

- McClay stated this bill is a response to Judge Sach's injunction of Missouri regulations.

**Susan Klein – Missouri Right to Life**

- Klein stated that the Sanctity of Life investigations have shown a great need to clarify regulations of abortion facilities.

**Samuel Lee – Campaign Life Missouri**

- Lee stated that original concurrent jurisdiction is granted for other areas of Missouri law – including gambling, gaming, water pollution, hazardous waste, and right to work. Lee stated that the Sanctity of Life Committee found that the St. Louis Planned Parenthood was requiring emergency medical services to turn off their lights and sirens when responding to calls at their facility.

**Kerry Messer – Missouri Family Network**

**Opponents:**

**Burt Newman – Lawyer, St. Louis**

- Newman stated that he was one of two attorneys involved in 1974 litigation involving Missouri regulation of abortion facilities – *Planned Parenthood v. Danforth*, which was decided in the U.S. Supreme Court. Newman stated that access to abortion is considered settled law and that lawmakers should stop trying to interfere. Newman stated that any TRAP laws constitute an undue burden on a woman's access to abortion and will be found unconstitutional. Rep. Barnes questioned whether Newman thought any regulation of abortion facilities were appropriate – asking specifically about requiring facilities to maintain infection controls or requiring the patient to be responsive and have stable vitals prior to leaving the facility.
- Rep. Ruth stated there are many instances of those challenging "settled law", noting *Brown v. Board of Education*.
- Rep. Neely stated that the legislature should do what they can to maintain quality of care. Newman stated that was accurate unless the regulations constitute an undue burden on women.

**Anna Shabsin – Wash U professor, Attorney from St. Louis**

- Shabsin stated that recent court decisions make it clear that heightened scrutiny of actual evidence shall be utilized to determine whether abortion laws actually aid women's health or if they merely constitute a political attack.
- Rep. Barnes stated that 23 ambulance visits due to hemorrhaging is evidence of the need for regulation. Shabsin stated these regulations are intended to be political, not help women.
- Rep. Newman stated there are numerous reasons why ambulances could be called to the St. Louis Planned Parenthood facility, unrelated to abortion. Rep. Newman noted the 23 ambulance visits are alone irrelevant without the context of the frequency of ambulance calls to other ambulatory surgical centers.
- Rep. Barnes distributed information to the committee on the number of EMS visits to Planned Parenthood that was used in the Western District case.

**Dr. Martha Perez – 4<sup>th</sup> year residency OBGYN**

- Dr. Perez stated she is here representing herself and the patients that she serves.
- Rep. Franklin asked what message Dr. Perez was trying to send by wearing her white coat to the hearing. Dr. Perez stated she is not here representing the medical community and has worked hard to earn her white coat.
- Dr. Perez stated she felt HB 3 and HB 6 created medically unnecessary requirements and undue burdens on abortion procedures.
- Rep. Ruth asked for the rate of complications in abortions. Dr. Perez stated all procedures have risks and abortion has a .05% complication rate. Rep. Ruth and Dr. Perez discussed if the special session was a waste of taxpayer as no price tag can be placed on the life of a woman or baby.
- Rep. Barnes stated there are several statistics that could be used to show either sides' point; Dr. Perez stated it also depends how the term complication is being defined.
- Rep. Newman inquired into the nature of why an ambulance may be called to Planned Parenthood. Dr. Perez stated there could be several reasons and each call does not represent a complication with an abortion procedure.

**Rabbi Jonah Zinn – Rabbi from St. Louis**

- Rabbi Zinn stated it is Jewish tradition for women to protect their own health, as the life of a woman is greater than that of potential life. If a woman's health is placed at risk, an abortion may be the appropriate choice. Rabbi Zinn stated Jewish teachings say a fetus is potential life

and there is a point during birth that the fetus transitions into life.

- Rabbi Zinn stated he believes this bill limits women's access to abortion as there is only one abortion clinic in the state.
- Rep. Cookson asked if Rabbi Zinn's viewpoint was rooted in religious literature. Rabbi Zinn stated his beliefs are rooted in the book of Mishnah.
- Rep. Moon thanked Rabbi Zinn for saying his religious viewpoints were the foundation of his beliefs, as Rep. Moon's religious beliefs are the reason he is pro-life. Rabbi Zinn stated everyone should have religious freedom; however, people of other faiths should not impose their views onto others.

#### Linda Raclin – Wash U professor, lawyer

- Raclin stated that Missouri is not a "regulatory desert" when it comes to abortion as Rep. Barnes stated, noting it is one of three states in the country with the most stringent abortion laws. Raclin stated this includes Utah and South Dakota. Regarding referenced infractions on the part of abortion providers, Raclin stated that existing state regulations require that issues be identified and addressed. Raclin stated there are regulations already in place and they are working properly.
- Rep. Franklin stated that there is a lack of follow-through on the part of the department in terms of enforcing regulations. Raclin stated Planned Parenthood is required as a medical provider to correct any issues found, noting that Attorney General Koster did not find any evidence of wrongdoing on the part of Planned Parenthood in his investigation. Rep. Franklin stated that the investigation was based only on 30 days.

#### Informational Purposes Only: None.

Rep. Swan, in closing, stated that she wants Missourians to have access to high quality health care. Rep. Swan stated that she does not see how such regulations would interfere with that access.

#### HB 9 (Kelly) – Preempts a political subdivision from enacting a law or policy that adversely affects the legal rights of a person or entity due to a person's or entity's view on abortion; acknowledges those legal rights; and establishes judicial mechanisms to protect those rights.

Rep. Kelly stated the bill would prevent an individual from being discriminated against because they do not wish to participate in abortion.

#### Proponents:

##### Tyler McClay – Missouri Catholic Conference

- McClay stated the bill relates to Board Bill 203 passed back in February 2017; there has been a lawsuit challenging the ordinance in federal court. The St. Louis Archdiocese is concerned that a catholic school principle would be prevented from asking a potential employee about their opinion on abortion. They feel this would violate their freedom of association.
- Rep. Walker questioned the ordinance's impact on freedom of speech and freedom of association. Rep. Walker stated the rights granted by the U.S. Constitution would supersede any ordinance. McClay noted that there are limits on freedom of expression. Rep. Walker stated rights are granted by the Religious Freedom Restoration Act (RFRA) as well.

##### Patty Skain – Missouri Right to Life

#### Opponents:

##### Melissa Alper – National Council of Jewish Women (St. Louis)

- Alper stated that a person's beliefs on reproductive rights should not affect decisions on hiring, firing, or the renting of property.
- Rep. Ruth stated that her religious beliefs should also be protected and she should not be required to rent to someone that provides abortions. Rep. Ruth stated the Fair Housing Act already provides appropriate protections for individuals regarding real estate. Alper stated the bill actually allows for discrimination. Rep. Kelly stated the Human Rights Act also protects against discrimination.
- Rep. Franklin asked Alper why St. Louis would need the ordinance given the existence of Fair Housing Law and the Missouri Human Rights Act. Alper stated that reproductive choices are not explicitly spelled out in other laws. Rep. Franklin questioned how an individual would even know about an individual's reproductive beliefs or choices. Rep. Franklin asked if this ordinance was brought forward due to specific incident. Alper stated she was unaware of any specific incident.
- Rep. Kelly discussed a situation in which an owner of commercial property could be forced to rent to an abortion provider. Rep. Walker stated they would already have the ability to not rent to the abortion provider. Rep. Walker stated that HB 9 does not expressly address the issue of owners of rental property and noted that it only references alternatives-to-abortion agencies. Rep. Kelly stated that Section 5, page 2 of the bill specifically preempts the St. Louis City ordinance and would address the issue of real estate property. Rep. Walker continued to question whether HB 9 actually addresses any of the concerns with the ordinance expressed thus far during the hearing. Rep. Walker stated that the Fair Housing Act and the Missouri Human Rights Act does not grant protections for reproductive health decisions. Rep. Walker stated that federal standards serve as the base level requirements and that political subdivisions can grant further protections above the federal minimum. Rep. Kelly deferred to Rep. Barnes to address Rep. Walker.
- Rep. Barnes stated that political subdivisions are able to grant additional protections with exceptions. Rep. Barnes stated one's views on abortion are not a protected class except for in St. Louis and Boston. Rep. Barnes referenced *Burwell v. Hobby Lobby*, explaining the issue was to determine whether federal RFRA would apply in this case. Rep. Barnes stated the bill applies the finding of *Burwell v. Hobby Lobby* to state law to protect sincerely held religious beliefs.

##### Christine Ingrassia – Alderwoman, St. Louis City

- Ingrassia stated Board Bill 203 was intended to address certain complaints and constituent needs, including employment discrimination related to miscarriages. Ingrassia stated that Board Bill 203 included exemptions for religious institutions.
- Rep. Newman discussed with Ingrassia how St. Louis City worked with the St. Louis Archdiocese to include specific carve outs for religious institutions and stated the ordinance merely provides discrimination protections for reproductive health choices. Ingrassia stated that state preemption makes it difficult for her to be responsive to her constituents' needs.
- Rep. Ruth asked for specific incidents related to why the ordinance was needed. Ingrassia stated that complaints were solicited during the development of this bill and they are currently being investigated. Ingrassia said specifics could not necessarily be shared because of privacy concerns.
- Rep. Barnes stated that Ingrassia filed a bill that would create a buffer zone around the Planned Parenthood facility. Rep. Barnes stated that he hoped the body would entertain an amendment to address the proposed buffer zone ordinance.

**Sally Hunt – St. Louis citizen, Expose Thrive**

- Hunt spoke on crisis pregnancy centers, stating that the state already provides far too much assistance (\$5.8 million in TANF dollars) and protections to these centers. Hunt stated that TANF dollars should be going to needy children. Hunt stated that these are “fake clinics” that provide medically inaccurate information, likening them to Trump University. Rep. Franklin asked the witness to provide specific allegations of inappropriate behavior on the part of crisis pregnancy centers. Hunt stated that these centers provide false information – abortion has high complication rates, and causes cancer or infertility.
- Rep. Ruth asked what group Hunt represented. Hunt stated she represents Expose Thrive, a group that seeks to shut down Thrive, a crisis pregnancy center. Hunt stated she supports fact-based sex education. Rep. Ruth asked Hunt if she has spent any time in a pregnancy resource center. Hunt stated that she had not, but she had done sufficient research to speak on the subject. Rep. Ruth stated to understand an issue objectively you have to spend time with those on both sides of the issue. Rep. Ruth stated that she has witnessed pregnancy resource centers helping many individuals.
- Rep. Walker asked if Hunt has heard of Nurses for Newborns, Bethany Christian Services, or the Adoption and Foster Care Coalition. Rep. Walker stated that these are a couple examples of pregnancy resource centers with which she has been involved. Rep. Walker stated that these groups do evidence-based work in helping mothers. Rep. Walker stated it is dangerous to paint all pregnancy resource centers with a broad brush. Hunt specified that she speaking about those centers that hold themselves out as a medical clinic and provide medically inaccurate information such as Thrive, Birthright, etc.
- Rep. Barnes spoke on whether abortions result in clinically significant psychological issues, citing a study. Hunt states that there is a difference between short-term and long-term disorders. Hunt stated that the American Psychological Association (APA) shows that there is no evidence of such disorders; there is no credible evidence that the abortion of an unwanted pregnancy causes any mental health disorders. Rep. Barnes stated the APA study explicitly states that some women experience sadness or feelings of loss and even longer-term disorders such as depression and anxiety.
- Rep. Moon asked that the APA study be provided to the committee.

**Alexandra Rubin – Wash U Students for Choice**

- Rep. Franklin asked why Rubin was wearing a lab coat with a Wash U insignia on it if she is not speaking on behalf of Wash U officially. Rubin stated that she feels that it a symbol of her hard work she is doing to become a physician. Rubin stated that patients deserve medically accurate information when making health care choices.

**Ian Mackey - Missouri citizen**

- Mackey stated that the state legislature needs to stop preempting local St. Louis law. Mackey stated that preemption only truly applies when the state passes a law before a local political subdivision; this bill represents the nullification of an ordinance.
- Rep. Franklin asked about how Mackey felt about the Uber bill. Mackey stated the Uber bill expanded the rights of local citizens instead of restricting rights and noted the bill did not target St. Louis City only.

**Thomas True – St. Louis citizen, Expose Thrive**

- True spoke on his experiences with crisis pregnancy resource centers. True stated that some of the centers do actually try to help women in crisis, but qualified that Thrive is not one of those centers.

**Kirstin Palovick - NARAL Pro-Choice Missouri**

- Palovick stated the full intention of Board Bill 203 is to make sure women are protected in their health care choices. Palovick stated that the federal Russell Act was a potential amendment to the American Health Care Act which would have allowed for discrimination against an individual for such choices; this language did not pass. Palovick referred to a complaint related to a woman fired for taking off work for a miscarriage as a good reason for the local ordinance.
- Rep. Barnes stated that the example provided is covered under the Missouri Human Rights Act and encouraged her organization to refer the women to a law firm.

**Anita Cleaver – St. Louis citizen**

- Cleaver stated she wrote a paper on the psychological impact on women after an abortion while seeking a Master’s degree in Counseling. Cleaver stated she found that women are much more likely to experience relief. Cleaver stated that abortion is a big decision and that responses to making that choice vary from person to person. Cleaver stated that if most women regretted having an abortion, there would be more outcry about it across the nation.

**Information Purposes Only:** None.

**HB 7 (Franklin) – Changes the laws regarding abortion.**

Rep. Franklin stated the bill addressed pathology reports submitted to DHSS and the tracking of fetal tissue. Rep. Franklin stated the bill would increase record keeping and accountability. Rep. Franklin stated that prior investigations showed that pathology reports were not being reconciled properly by the department and noted that there is no accountability for the fetal remains after an abortion, which may enable the illegal sale of such remains.

Rep. Cookson asked if there is a defined penalty for failure to comply. Rep. Franklin stated lack of compliance would first trigger an inspection. Rep. Cookson asked if they could be sent to jail or charged with a felony. Rep. Franklin stated the facility’s license would be revoked for lack of compliance. Rep. Franklin stated such penalties have already been dictated elsewhere in law specifically for the trafficking of fetal remains.

Rep. Walker expressed concerns about the release of the report to the General Assembly, but noted that personally identifiable information would be redacted. Rep. Walker asked what accountability would be provided if identifiable information was included. Rep. Franklin stated that HIPAA law would apply in this instance. Rep. Franklin stated that past attempts to get information from abortion providers have failed and requiring these reports is intended to address this issue. Rep. Walker stated there have been instances of data breaches, noting that many members of the body objected to prescription drug monitoring because of privacy concerns. Rep. Walker stated that potential data breaches related to abortion records are more troubling than breaches related to prescription information.

**Proponents:**

**Tyler McClay – Missouri Catholic Conference**

- McClay noted the investigation into pathology reporting goes back to 2015. McClay stated that further accountability is needed to fully track fetal remains.
- Rep. Cookson stated that in debating whether individuals should be pro-choice or pro-life, the fetal has no choice in the matter.

**Opponents:****Melissa Alper - Executive Director at the National Council of Jewish Women**

- Alper stated she was opposed to the expansion on data collection. She believed this bill presented an unnecessary burden on abortion facilities and families who would choose this option. She also offered written testimony from 12 others who could not stay the full time to oppose the bill. If the issue of the committee is to improve the health and safety of women, she does not believe this will accomplish this goal. Rep. Newman questioned what other reasons there would be to implement these changes other than to trap individuals who seek abortions. Alper could not think of one reason. Rep. Newman stated this bill was invasive to patients and their families. She then discussed the reasons women seek abortion with the witness.
- Rep. Kelly asked Alper if she supports the sale of baby body parts. Alper stated that she did not and noted it is already illegal to sell body parts.

**Kirstin Palovick – NARAL Pro-Choice Missouri**

- Palovick stated the bill is merely another stipulation for already over-regulated abortion providers.
- Rep. Walker discussed the difference between "confidentiality" and "anonymity", noting that the bill requires confidentiality regarding the report to the General Assembly when anonymity would be a higher standard to protect a patient's identifying information.

**EXECUTIVE SESSION:****HB 7 (Franklin) – Changes the laws regarding abortion.**

- No discussion.
- Voted Do Pass, 8-3 (Meredith, Newman, and Walker voting no).

**HB 9 (Kelly) – Preempts a political subdivision from enacting a law or policy that adversely affects the legal rights of a person or entity due to a person's or entity's view on abortion; acknowledges those legal rights; and establishes judicial mechanisms to protect those rights.**

- No discussion.
- Voted Do Pass, 8-3 (Meredith, Newman, and Walker voting no).

Rep. Barnes stated that the committee would wait until Monday to hold executive session on **HB 3** and **HB 6**. Rep. Barnes explained that there is a general preference for the Senate version of the language, but an amendment had not been drafted yet as he was still waiting to see if the Senate makes any changes.

With no further business, the committee adjourned.

**Chris Bramlett**

Budget Analyst  
Missouri State Capitol, Room 129  
Phone: (573) 751-9316  
Fax: (573) 526-4811  
[chris.bramlett@oa.mo.gov](mailto:chris.bramlett@oa.mo.gov)

**Message: defense of Gov. Greitens calling special session****Case Information:**

Message Type: Exchange  
Message Direction: External, Inbound  
Case: GOV\_10032017\_Search  
Capture Date: 10/3/2017 9:43:18 AM  
Item ID: 29387804  
Policy Action: Not Specified

**✉ defense of Gov. Greitens calling special session**

**From** Bonnie Lee                    **Date** Thursday, June 15, 2017 1:26 AM  
**To** Spena, Logan  
**Cc** kathythebo@hotmail.com  
**Journal** Logan.Spena@governor.mo.gov  
**Recipients**

 [4\\_3\\_17\\_JudgeSachsMemorandum To Counsel 58e549f8bea15.pdf.pdf](#) (27 Kb HTML)

Listened to the end of the Senate floor debate in Wednesday night's special session, and hearing the St. Louis district Senators take up floor time attacking Gov. Greitens for calling the special session, I wondered if anyone, in our Governor's defense, brought up that it was actually the Federal Judge ruling on Planned Parenthood's injunction against Missouri's safety laws who suggested the General Assembly urgently work to write law that would prevent his ruling from having "collateral damage" on the safety of the public!

Arguing against the injunction on ambulatory surgical center safety oversite our A.G. team said it would essentially strip all safety oversite from abortion centers. In fact, under the injunction an abortionist could begin doing abortions out of a van. In a 4/3/2017 memo (attached) published before giving his order on the Injunction, to prevent this "collateral damage" from his ruling, Judge Sachs says he,

"... could probably accommodate that concern by staying the statutory ruling as to ASCs for *a specified period until the General Assembly can take action*, and allowing the Director to revise the regulations before the statutory change, *to avoid collateral harm.* ..."   
*Memorandum To Counsel, Case 2:16-cv-04313-HFS Document 87, filed 4/4/17, page 2.* (emphasis are mine)

It seems to me that preventing "collateral harm" to the public from a decision that would possible take place within 90 days (see memorandum) sounds like a pretty urgent need; one that would validate the special called assembly to complete the business of laws that would impact the safety of Missouri residents.

As a Missouri resident, and member of Team P.L.A.Y. I appreciate Gov. Greitens life affirming stand for both the mother in crisis and her baby.

Bonnie Lee  
Team P.L.A.Y.  
Legislative and Enforcement teams  
[REDACTED]

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI CENTRAL DIVISION  
COMPREHENSIVE HEALTH OF PLANNED ) PARENTHOOD GREAT PLAINS, et al. )  
)  
Plaintiffs, )  
)  
v. ) Case No. 2:16-cv-04313-HFS  
)  
DR. RANDALL WILLIAMS, in his official ) capacity as Director of the Missouri ) Department of Health and Senior Services, ) et al., )  
)  
Defendants. ) MEMORANDUM TO COUNSEL

In the interest of providing time to the State defendants to work through a plan to avoid collateral and unintended damage to standard medical regulations, I advise that I have decided to grant a preliminary injunction to plaintiffs on the two issues presented in their complaint, invalidating both the hospital affiliation requirement for doctors performing abortions and the requirement that abortion clinics meet the requirements imposed on Ambulatory Surgical Centers. The Supreme Court invalidated both these aspects of regulation in Texas litigation last June. Missouri has not complied with that decision.

The State defendants argue that this result will cause unintended collateral damage, by deregulating abortion clinic requirements that are accepted as desirable and were outside the concern of the Supreme Court in the Texas case. If the State  
Case 2:16-cv-04313-HFS Document 87 Filed 04/04/17 Page 1 of 2

defendants are correct, the judgment to be entered could alleviate those concerns, and counsel should prepare an appropriate judgment form while I write my opinion.

As I understand the problem, invalidating the ASC statutory requirement for abortion clinics would disable the Director of the Department of Health and Senior Services from using regulations authorized by the statute that would be rendered invalid by the ruling. But I could probably accommodate that concern by staying the statutory ruling as to ASCs for a specified period until the General Assembly can take action, and allowing the Director to revise the regulations before the statutory change, to avoid collateral harm. Prompt regulatory change within 60 or 90 days of my ruling seems required to satisfy the pressing needs of those seeking abortions and the needs of the plaintiffs to be prepared to offer the services which are protected by the Constitution.

There may be easier ways to avoid collateral damage, and plaintiffs' counsel may wish to be heard. To the extent an agreed procedural judgment can be submitted, that would be welcome. I expect to allow ten days from my ruling for judgment proposals to be submitted.

/ s / Howard F. Sachs  
Howard F. Sachs United States District Judge  
April 3, 2017 Kansas City, Missouri

Case 2:16-cv-04313-HFS Document 87 Filed 04/04/17 Page 2 of 2

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**Message: Updated Department Assignments - 2nd Extraordinary Session****Case Information:**

Message Type: Exchange  
Message Direction: External, Inbound  
Case: GOV\_10032017\_Search  
Capture Date: 10/3/2017 9:43:18 AM  
Item ID: 29387805  
Policy Action: Not Specified

**✉ Updated Department Assignments - 2nd Extraordinary Session****From** Cannon, Kristina**Date** Thursday, June 15, 2017 8:53 AM**To** Backes, Dusty;Bogle, Daniel;Germinder, Rich**Cc** Neustadt, Jennae;Scott, Todd;Green, Brad;Earl, Jeff;Kempf, Sherri;Strong-Goeke, Lori;Hyde, Sandra [qry\\_DepartmentQuery6.15.xlsx](#) (21 Kb HTML)

One bill added to the list – SB8 (OA General – Investment policies).

Thanks,

*Kristina M. Cannon  
Legislative Coordinator  
OA-Budget and Planning  
Phone: (573)751-9303*

# qry\_DepartmentQuery

A	B	C	D	E	F	G	H
	Bill	Sponsor	Handler	Subject	Description	Lead Dept	Date Bill Added
1	HB1	Lichtenegger		Abortion - Pain Capable Unborn Child Protection Act	Establishes the "Pain Capable Unborn Child Protection Act"	DHSS	2017-06-13
2	HB2	Miller		Abortion - consent for minor to obtain abortion	Changes the laws regarding consent for a minor to obtain an abortion	DHSS	2017-06-13
3	HB3	Swan		Abortion	Changes laws regarding abortion	DHSS	2017-06-13
4	HB4	Lavender		Abortion - pregnancy related services	Requires organizations that provide pregnancy-related services to provide medically accurate information regarding reproductive health options in order to receive state funding	DHSS	2017-06-13
5	HB5	Lavender		Abortion - Infant Mortality Prevention Fund	Creates the Infant Mortality Prevention Fund	DHSS	2017-06-13
6	HB6	Barnes		Abortion	Changes the laws regarding abortion	DHSS	2017-06-13
7	HB7	Franklin		Abortion	Changes the laws regarding abortion	DHSS	2017-06-13
8	HB8	Quade		Abortion - Dispensing of contraceptives	Changes the laws regarding the dispensing of contraceptives	DHSS	2017-06-13
9	HB9	Kelly		Abortion - political subdivision laws policies	Preempts a political subdivision from enacting a law or policy that adversely affects the legal rights of a person or entity due to a person's or entity's view on abortion; acknowledges those legal rights; and establishes judicial mechanisms to protect those rights	DHSS	2017-06-13
10	HB10	Newman		Abortion - health care services	Changes the laws regarding health care services	DHSS	2017-06-13
11	HB11	Newman		Abortion	Changes the laws regarding abortion	DHSS	2017-06-13
12	HB12	Newman		Abortion - Human sexuality instruction	Changes the laws on instruction relating to human sexuality	DHSS	2017-06-13
13	HB13	Walker		Abortion - Tax credit for contraception costs	Authorizes a tax credit for certain contraception costs	DHSS	2017-06-13
14	HB14	Moon		Abortion - MO Right to Life Act	Establishes the "Missouri Right to Life Act"	DHSS	2017-06-13
15	SB1	Onder		Abortion	Modifies several provisions relating to abortion	DHSS	2017-06-13
16	SB5	Koenig		Abortion - AG enforce laws	Grants the Attorney General concurrent original jurisdiction to enforce the state's abortion laws	DHSS	2017-06-13
17	SB6	Dixon		Abortion - Political subdivision authority	Grants the Attorney General concurrent original jurisdiction to enforce the state's abortion laws	DHSS	2017-06-13
18	SB7	Chappelle-Nadal		Contaminated homes	Modifies provisions relating to contaminated homes	DNR	2017-06-13
19	SB2	Schaaf		Ethics - Lobbying	Modifies provisions relating to lobbyists	OA	2017-06-13
20	SB3	Schaaf		Ethics - Lobbyists	Modifies provisions relating to the waiting period before certain public officials can become lobbyists	OA	2017-06-13
21	SB4	Schaaf		Ethics - Dark Money Disclosure	Establishes the Dark Money Disclosure Act	OA	2017-06-13
22	SB8	Chappelle-Nadal		OA General - Investment policies	Relating to the investment policies of public entities	OA	2017-06-15
23	SJR1	Holsman		Elected Officials - Time period for session	Modifies the time period for legislative sessions	OA	2017-06-13
24	SR4	Holsman		Elected Officials - Investigate Gov. Greitens	Establishes an investigative committee to investigate Governor Greitens	OA	2017-06-13
25							

**Message: Updated Department Assignments - 2nd Extraordinary Session****Case Information:**

Message Type: Exchange  
Message Direction: External, Inbound  
Case: GOV\_10032017\_Search  
Capture Date: 10/3/2017 9:43:17 AM  
Item ID: 29387615  
Policy Action: Not Specified

**✉ Updated Department Assignments - 2nd Extraordinary Session****From** Cannon, Kristina**Date** Thursday, June 15, 2017 8:53 AM**To** Backes, Dusty;Bogle, Daniel;Germinder, Rich**Cc** Neustadt, Jennae;Scott, Todd;Green, Brad;Earl, Jeff;Kempf, Sherri;Strong-Goeke, Lori;Hyde, Sandra [qry\\_DepartmentQuery6.15.xlsx](#) (21 Kb HTML)

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Thanks,

*Kristina M. Cannon  
Legislative Coordinator  
OA-Budget and Planning  
Phone: (573)751-9303*

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17	SB6	Dixon		Abortion - Political subdivision authority	Grants the Attorney General concurrent original jurisdiction to enforce the state's abortion laws	DHSS	2017-06-13
18	SB7	Chappelle-Nadal		Contaminated homes	Modifies provisions relating to contaminated homes	DNR	2017-06-13
19	SB2	Schaaf		Ethics - Lobbying	Modifies provisions relating to lobbyists	OA	2017-06-13
20	SB3	Schaaf		Ethics - Lobbyists	Modifies provisions relating to the waiting period before certain public officials can become lobbyists	OA	2017-06-13
21	SB4	Schaaf		Ethics - Dark Money Disclosure	Establishes the Dark Money Disclosure Act	OA	2017-06-13
22	SB8	Chappelle-Nadal		OA General - Investment policies	Relating to the investment policies of public entities	OA	2017-06-15
23	SJR1	Holsman		Elected Officials - Time period for session	Modifies the time period for legislative sessions	OA	2017-06-13
24	SR4	Holsman		Elected Officials - Investigate Gov. Greitens	Establishes an investigative committee to investigate Governor Greitens	OA	2017-06-13
25							

**Message: Updated Department Assignments - 2nd Extraordinary Session****Case Information:**

Message Type: Exchange  
Message Direction: External, Inbound  
Case: GOV\_10032017\_Search  
Capture Date: 10/3/2017 9:43:17 AM  
Item ID: 29387652  
Policy Action: Not Specified

**✉ Updated Department Assignments - 2nd Extraordinary Session****From** Cannon, Kristina**Date** Thursday, June 15, 2017 8:53 AM**To** Backes, Dusty;Bogle, Daniel;Germinder, Rich**Cc** Neustadt, Jennae;Scott, Todd;Green, Brad;Earl, Jeff;Kempf, Sherri;Strong-Goeke, Lori;Hyde, Sandra [qry\\_DepartmentQuery6.15.xlsx](#) (21 Kb HTML)

One bill added to the list – SB8 (OA General – Investment policies).

Thanks,

*Kristina M. Cannon  
Legislative Coordinator  
OA-Budget and Planning  
Phone: (573)751-9303*

# qry\_DepartmentQuery

A	B	C	D	E	F	G	H	
	Bill	Sponsor	Handler	Subject	Description	Lead Dept	Co-Dept	Date Bill Added
1	HB1	Lichtenegger		Abortion - Pain Capable Unborn Child Protection Act	Establishes the "Pain Capable Unborn Child Protection Act"	DHSS		2017-06-13
2	HB2	Miller		Abortion - consent for minor to obtain abortion	Changes the laws regarding consent for a minor to obtain an abortion	DHSS		2017-06-13
3	HB3	Swan		Abortion	Changes laws regarding abortion	DHSS		2017-06-13
4	HB4	Lavender		Abortion - pregnancy related services	Requires organizations that provide pregnancy-related services to provide medically accurate information regarding reproductive health options in order to receive state funding	DHSS		2017-06-13
5	HB5	Lavender		Abortion - Infant Mortality Prevention Fund	Creates the Infant Mortality Prevention Fund	DHSS		2017-06-13
6	HB6	Barnes		Abortion	Changes the laws regarding abortion	DHSS		2017-06-13
7	HB7	Franklin		Abortion	Changes the laws regarding abortion	DHSS		2017-06-13
8	HB8	Quade		Abortion - Dispensing of contraceptives	Changes the laws regarding the dispensing of contraceptives	DHSS		2017-06-13
9	HB9	Kelly		Abortion - political subdivision laws policies	Preempts a political subdivision from enacting a law or policy that adversely affects the legal rights of a person or entity due to a person's or entity's view on abortion; acknowledges those legal rights; and establishes judicial mechanisms to protect those rights	DHSS		2017-06-13
10	HB10	Newman		Abortion - health care services	Changes the laws regarding health care services	DHSS		2017-06-13
11	HB11	Newman		Abortion	Changes the laws regarding abortion	DHSS		2017-06-13
12	HB12	Newman		Abortion - Human sexuality instruction	Changes the laws on instruction relating to human sexuality	DHSS		2017-06-13
13	HB13	Walker		Abortion - Tax credit for contraception costs	Authorizes a tax credit for certain contraception costs	DHSS		2017-06-13
14	HB14	Moon		Abortion - MO Right to Life Act	Establishes the "Missouri Right to Life Act"	DHSS		2017-06-13
15	SB1	Onder		Abortion	Modifies several provisions relating to abortion	DHSS		2017-06-13
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**Message: Updated Department Assignments - 2nd Extraordinary Session****Case Information:**

Message Type: Exchange  
Message Direction: External, Inbound  
Case: GOV\_10032017\_Search  
Capture Date: 10/3/2017 9:43:21 AM  
Item ID: 29388136  
Policy Action: Not Specified

**✉ Updated Department Assignments - 2nd Extraordinary Session****From** Cannon, Kristina**Date** Thursday, June 15, 2017 8:53 AM**To** Backes, Dusty;Bogle, Daniel;Germinder, Rich**Cc** Neustadt, Jennae;Scott, Todd;Green, Brad;Earl, Jeff;Kempf, Sherri;Strong-Goeke, Lori;Hyde, Sandra [qry\\_DepartmentQuery6.15.xlsx](#) (21 Kb HTML)

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